

REMARKS

This paper is filed in response to an Advisory action and is believed to place the instant application in conditions for allowance. Applicants respectfully request that the foregoing amendments and the following remarks be made of record in the instant case.

This paper is being filed with a terminal disclaimer to address a double patenting rejection and a fee for the terminal disclaimer is attached. This paper is being filed within 3 months of the mailing date of the final office action and as such, no other fees are believed to be due, however, should any fees be deemed necessary in connection with the present paper, the Commissioner is hereby authorized to charge any such fees to our Deposit Account No. 13-2855. A duplicate copy of this paper is enclosed.

I. Status of the Claims

Claims 14-60 are pending in the instant application. Claims 14-60 were rejected under the judicially created doctrine of obviousness-type double patenting over co-owned U.S. Patent No. 6,585,971. Claim 60 was rejected as lacking literal written description support. Applicants believe the following response removes all the rejections and places the case in condition for allowance. Should the Examiner feel it necessary, Applicants invite the Examiner to contact the undersigned representative.

II. Cancellation of Claim 60 and Amendments to Claims 18, 19, 20, 22 and 24

The Examiner suggested that claim 60 should be cancelled as the specification does not indicate support for the "99.9%" recitation in the claim. Applicants submit that *ipsis verbis* support is not necessary for each term in the claim as long as the specification provides a teaching of the subject matter of the claims, in a manner that indicates that the Applicants were in possession of the claimed subject matter. However, Applicants believe that 99.9% is encompassed by the term "99% or greater" as such, in compliance with the Examiner's request, Applicants have cancelled claim 60. This removes the grounds for rejection of claim 60. Claims 18, 19, 20, 22 and 24 have been amended to remove recitation of claim 60 and thereby to correct the antecedent basis of those claims

III. Double Patenting Rejection.

Claims 14-57 were rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of U.S. Patent No. 6,585,971. It is the Examiner's position that the since both the instant application and the claims of the 6,585,971 are directed to methods of treating using α -L-iduronidase, the claims of the instant application may not be considered patentably distinct over each other. As Applicants believe that claims 14-57, and 58-59 as presented above (claim 60 has been cancelled) are in condition for allowance but for the double patenting rejection attached herewith is a terminal disclaimer, and terminal disclaimer fee under 37 CFR 1.20(d). Applicants submit that having furnished said disclaimer and fee, the rejection is overcome.

IV. Conclusions

In view of the above cancellation of claim 60 and the attached terminal disclaimer and terminal disclaimer fee, Applicants believe that all of the rejections have been overcome and the claims of the instant application are now in condition for allowance. Applicants respectfully request an early indication of such a favorable disposition of the case. The Examiner is invited to contact the undersigned with any questions, comments or suggestions relating to the referenced patent application.

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Respectfully submitted,

By


Nabeela R. McMillian

Registration No.: 43,363

MARSHALL, GERSTEIN & BORUN
233 S. Wacker Drive, Suite 6300
Sears Tower
Chicago, Illinois 60606-6357
(312) 474-6300
Attorneys for Applicants